

FILED  
UNITED STATES DISTRICT COURT IN CLERKS OFFICE  
FOR THE DISTRICT OF MASSACHUSETTS

2005 FEB 22 P 4:25

JOHN G. PEDICINI, :  
Plaintiff : U.S. DISTRICT COURT  
: DISTRICT OF MASS.  
v. : Case No. 04-12395-JLT  
UNITED STATES OF AMERICA, :  
et al., :  
Defendants. :  
:

**PROPOSED JOINT RULE 16.1 STATEMENT**

The parties in this action submit the following Proposed Joint Statement pursuant to Local Rule 16.1 and the Court's Order.

1. **Proposed Discovery Plan:**

- a. Automatic disclosure statements shall be served on or before March 15, 2005;
- b. All discovery will be completed by November 30, 2005;
- c. Any Amendments pursuant to Fed. R. Civ. P. 15 shall be made by June 1, 2005;
- d. A final pretrial conference shall be scheduled after decisions are rendered on a motion for summary judgment.

2. **Number of Depositions**

- a. The plaintiff intends to take written discovery and depose any fact witnesses identified by the defendants.
- b. Defendants intend to depose plaintiff and any witnesses he identifies as to his damages (the defendants may depose any fact witnesses that are no longer employees of the Defendants).
- c. Plaintiff has identified over 20 witnesses in his Rule 26 disclosures, most of whom are current employees of Defendants and may need to be deposed. Among these witnesses, Plaintiff will definitely seek to depose Roberto Salazar, Frances Zorn, Douglas MacAllister, Martin Hines, Janice Sciarappa, Robert Canavan, Jonathon Lash, Michael Malone, John Ghiorzi, Arthur LeBlanc, Brooksie Spears, John Ingemi, and Joseph Stanco. Since no discovery has yet occurred, the Plaintiff and the Defendants cannot identify probable other deponents with greater specificity at this time. The parties may be able to reduce the number of depositions that may be required through joint stipulations of fact, such as those regarding government policies and procedures.

3. **Consent to Trial By Magistrate**

- a. The plaintiff does not consent to a trial by Magistrate in this case.
- b. The Defendants do not consent to a trial by Magistrate in this case.

4. **Proposed Schedule for Motions**

All dispositive motions are to be filed by March 31, 2006.

5. **Designation of Experts**

- a. Plaintiff shall identify any expert witnesses by September 15, 2005.
- b. Defendants shall identify any expert witnesses by October 15, 2005.

6. **Final Pre-Trial Conference**

The Final Pretrial Conference will be scheduled by the Court following all hearings on dispositive motions.

Respectfully submitted,

PLAINTIFF,

By his Attorneys,

THE CATAPANO-FRIEDMAN LAW FIRM

*Robert Catapano /SC1 (signed with permission)*  
Robert S. Catapano-Friedman  
The Catapano-Friedman Law Firm  
50 Franklin St, 4<sup>th</sup> Floor  
Boston, MA 02110  
(617) 542-7711

DEFENDANTS,

By their Attorneys,

MICHAEL J. SULLIVAN  
United States Attorney

  
Damian W. Wilmot  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02110  
(617) 748-3398